

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ADAN MARTINEZ, Individually and on
Behalf of All Other Similarly Situated,

Plaintiff,

VS.

AMERISURVEYORS, LLC,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. SA-21-CV-0605-FB

**ORDER APPROVING SETTLEMENT AGREEMENT AND
DISMISSAL WITH PREJUDICE AND FINAL JUDGMENT**

Before the Court is the Joint Motion for Approval of Settlement Agreement and Dismissal of Case with Prejudice filed on April 12, 2022 (docket #14). The parties advise that after extended negotiations between counsel for the parties in this case, they have resolved all issues and have entered into a confidential Settlement Agreement of the claims asserted in this case pursuant to the Fair Labor Standards Act (FLSA) and believe the settlement reached is fair and reasonable. *Bona fide* disputes were involved herein with each side proffering arguments in support of their legal position on the amount of time plaintiffs actually worked, whether and to what extent plaintiffs' worked overtime, whether defendant will be able to establish a good faith defense so as to bar plaintiffs' claims for liquidated damages, and whether the two-year statute of limitations will bar all or part of plaintiffs' claims.

Based on the Joint Motion and the representations therein and a review of the confidential Settlement Agreement, the Court concludes the confidential Release of All Claims and Settlement Agreement between the plaintiffs and defendant filed under seal reflects a just and equitable resolution of *bona fide* disputes under the FLSA which is hereby APPROVED as a fair and reasonable resolution of the parties' *bona fide disputes* and the joint motion to dismiss (docket #14) is GRANTED.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the claims of Plaintiffs Adan Martinez and Gilbert Martinez are DISMISSED WITH PREJUDICE to the refiling of same; that they be removed from the docket of the Court; that all attorney's fees and costs be taxed against the party incurring same; and that plaintiffs take nothing from the defendant.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this is a Final Judgment. All relief not expressly granted herein is DISMISSED. Motions pending, if any, are also DISMISSED, and this case is now CLOSED.

It is so ORDERED.

SIGNED this 30th day of April, 2022.



FRED BIERY
UNITED STATES DISTRICT JUDGE